

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: July 19, 2006 - KW

Division: County Attorney

Bulk Item: Yes X No     

Department: County Attorney

Staff Contact Person: Bob Shillinger

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**AGENDA ITEM WORDING:**

Authorization for County Attorney or her designee to execute attached limited waiver of conflict of interest for law firm of Vernis & Bowling of the Florida Keys, P.A.

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**ITEM BACKGROUND:**

Vernis & Bowling of the Florida Keys, P.A. represents the County in a handful of growth management matters. The firm has also been asked to represent the newly created Key Largo Fire Rescue and EMS Board on a variety of matters, including negotiations with the County on transition issues. Under an amendment to the Rule 4-1.7 of the Rules of Professional Conduct which took effect May 18, 2006, all conflict waivers must be either in writing or on the record at a hearing.

Since none of the issues involved would conflict with the growth management issues on which Vernis & Bowling represents the County, staff has no objection to the Board waiving the conflict.

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**PREVIOUS RELEVANT BOCC ACTION:**

None.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** N/A

**BUDGETED:** Yes      No X

**COST TO COUNTY:** N/A

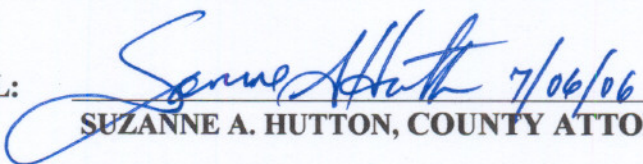
**SOURCE OF FUNDS:**                                 

**REVENUE PRODUCING:** Yes      No     

**AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**

 7/06/06  
**SUZANNE A. HUTTON, COUNTY ATTORNEY**

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**                                 

**AGENDA ITEM #**



# VERNIS & BOWLING

OF THE FLORIDA KEYS, P.A.

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July 5, 2006

Suzanne Hutton, Esquire  
Monroe County Attorney=s Office  
P.O. Box 1026  
Key West, Florida 33041-1026

Dear Ms. Hutton:

As we discussed, we are representing the Key Largo Fire Rescue and EMS Board (KLFREMS) with respect to its general business matters. Although we see no conflict between the interests of the Fire Board and our representation of the County on matters pertaining to growth management and land use issues, we respectfully request that you agree to sign a waiver of potential conflict of interest. As you know, the transition of the KLFREMS from County funding to its own millage will be governed by terms and conditions of an agreement that has yet to be negotiated between the parties. The firm believes that it can maintain a fair and objective position with respect any negotiation process that may take place. However, should the County have any misgivings with respect to this aspect of the current transition or aspect of our representation we would agree not to actively participate in this part of the process.

Under the applicable Rules of Professional Conduct, which apply to all attorneys, no attorney may act adversely to a current client interest even on an unrelated matter without full disclosure to each affected client and the consent of each prospective client. As we do not believe a conflict exists, in an overabundance of caution, we are requesting that you consent to our representation of the KLFREMS and the County. Should a conflict arise in the future, we would, of course, be unable to represent either party against the other. In the present case, because of the unrelated nature of the business of the KLFREMS Board and the Planning Commission, I do not consider that there is a material risk of either ethical or business conflicts. Nevertheless these are issues that you should consider for yourself. If you have any questions that you would like me to answer prior to you reaching your decision on this issue kindly inform me at your earliest convenience.



July 5, 2006  
Suzanne Hutton, Esquire  
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If you are willing to consent after such review, as you believe appropriate, please sign in the space provided. Again, we do not believe a conflict exists, but wish to inform you of the situation and move forward with your consent. Should a conflict arise in the future, we would inform you and seek alternate counsel to represent the parties as we have done in the past with other governmental entities. Thank you for your consideration in this matter.

Very truly yours,

Dirk M. Smits, Esq.  
For the Firm

DMS:vl  
Enclosure

I hereby consent to the terms of representation set forth above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date